

AISHA K. BROSNAN (AB 5986)
BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant
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WM 20-351 AB
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JEAN GHOLSON,

Plaintiff,

-against-

WAL-MART STORES EAST, LP.

Defendants.
-----X

Docket No.:

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK:**

Defendant, WAL-MART STORES EAST, LP for the removal of this action from the Supreme Court of the State of New York, County of SUFFOLK, to the United States District Court for the EASTERN District of New York, respectfully shows this Honorable Court:

FIRST: Defendant, WAL-MART STORES EAST, LP is a defendant in a Civil action brought against it in the Supreme Court of the State of New York, County of SUFFOLK, entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
JEAN GHOLSON,

Index No.: 609963/2020

Plaintiffs,

-against-

WAL-MART STORES EAST, LP.

Defendants.
-----X

Copies of the Summons, the Complaint, and WAL-MART STORES EAST, LP's Answer are annexed hereto as Exhibit A.

SECOND: That this action seeks recovery for damages sustained as a result of personal injuries allegedly suffered by the plaintiff while on the defendant's premises.

THIRD: The grounds for removal are that this Court has original jurisdiction pursuant to 28 § 1332(a)(1). The amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States. Annexed hereto as Exhibit "B" is defendant's Combined Demands of Defendant with CPLR 3017(c) demand. Annexed hereto as Exhibit "C" is plaintiff's Response to Demand for CPLR 3017(c), via email correspondence received by this defendant on May 2, 2021.

FOURTH: The defendant, WAL-MART STORES EAST, LP, is a Delaware limited partnership with its corporate headquarters and principal place of business in Arkansas. WSE Investment, LLC, is the limited partner of WAL-MART STORES EAST, LP, and WSE Management, LLC is the General Partner. Both are Delaware companies with their principal places of business in Arkansas. The sole member of both limited liability companies is Wal-Mart Stores East, Inc. Wal-Mart Stores East, Inc. is a citizen of Arkansas. It is incorporated in Arkansas and

its principal place of business is in Arkansas. Thus, for diversity purposes, the defendant is a citizen of Arkansas. See Carden v. Arkoma Assocs., 494 U.S. 185, 195-96, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990) (stating that, for purposes of diversity jurisdiction, limited partnerships have the citizenship of each of its general and limited partners); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998) (stating that, for purposes of diversity jurisdiction, a limited liability company has the citizenship of its members).

FIFTH: That upon information and belief Plaintiff is a citizen of the State of New York, County of SUFFOLK.

SIXTH: In that this action is between citizens of different states and seeks damages in excess of \$75,000.00, than pursuant to 28 U.S.C.A. § 1332 and 28 U.S.C.A. § 1441 and § 1446 the case should be removed from the Supreme Court of the State of New York, County of SUFFOLK to the United States District Court for the EASTERN District of New York.

Dated: Northport, New York
May 27, 2021

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.
Attorneys for Defendant

By: /s/Aisha K. Brosnan
AISHA K. BROSAN (AB 5986)
7 Bayview Avenue
Northport, New York 11768
(631) 261-7778
File No.: WM 20-351 AB

TO: SANDERS, SANDERS, BLOCK, et al.
Attorneys for Plaintiff
100 Herricks Road
Mineola, NY 11501
(516) 741-5252

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

DANIELLE INFANGER, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Huntington, New York.

That on the 27th day of May, 2021 deponent served the within NOTICE OF
REMOVAL
UPON:

SANDERS, SANDERS, BLOCK, et al.
Attorneys for Plaintiff
100 Herricks Road
Mineola, NY 11501
(516) 741-5252

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


DANIELLE INFANGER

Sworn to before me this
27th day of May, 2021.


NOTARY PUBLIC

KAREN A. CONVERSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CO4907647
Qualified in Suffolk County
My Commission Expires 10-13-2021